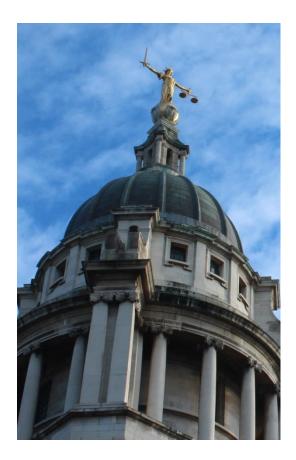


## **Terminology**



- Summary only/ either-way/ indictable
- Crown Court/ Magistrates' Court
- Undercharging/downgrading
- Dangerous/ careless driving





### **Dangerous vs Careless**

Careless or inconsiderate driving - Driving that <u>falls below</u> what would be expected of <u>a careful and competent driver</u>. A person is to be regarded as driving without reasonable consideration for other persons only if those persons are <u>inconvenienced</u> by his driving.

**Dangerous driving** – Driving that falls <u>far below</u> what would be expected of a competent and careful driver, and it would be obvious to a careful and competent driver that driving in that way would be dangerous. 'Dangerous' refers to <u>danger</u> either of injury to any person or of serious damage to property.





## Who makes charging decisions?



- Summary only offences, e.g. careless driving and driving when disqualified
- Either way offences anticipated as a guilty plea and suitable for sentencing in the Magistrates' Court, e.g. dangerous driving



- Either way offences not anticipated as a guilty plea
- All fatal offences, i.e. causing death by driving offences
- All indictable cases

## Problems with roads policing

### Poor road crash investigations

- Failure to test driver's eye sight and mobile phone use
- Failure to check CCTV footage
- Failure to inform victims of case progress
- Failure to take statements or chase witnesses and victims for statements
- Prejudiced views of cyclists' behaviour

### Lack of adequate resources and training

- Roads police cut by 29% in ten years
- Untrained police officers doing roads police work

### **Lack of victim support**

- Victims' Code is inadequate
- Lack of timely and accurate information





# Problems with charging and prosecution

Definitions of careless and dangerous driving – prevents rational and consistent charging decisions

Early guilty plea scheme – leads to undercharging and downgrading

National Driver Offender Retraining Scheme – leads to reduction in charging

Traffic courts – could lead to increase in dangerous driving charged as careless driving

Direct impact on sentencing – weak charging leads to weak sentencing

Weak Victims' Code – victims can't challenge decisions





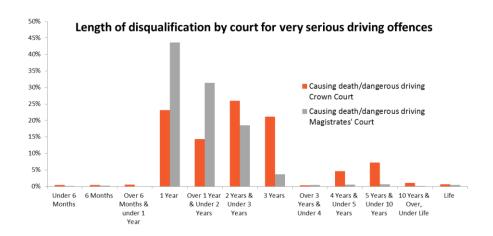
## **Problems with sentencing**

Sentences too dependent on consequences of driving not driving itself

Not enough emphasis on driving bans in sentencing guidelines

Not enough emphasis on re-education and testing

Limited non-custodial sentencing options



## Sentencing

Driving offence	Prison	Driving Ban	Penalty Points	Trial
Causing death by dangerous driving	14 years	Minimum 2 years Compulsory re–test	3-11	On indictment
Causing death by careless driving	5 years	Minimum 1 year Discretionary re-test	3-11	Either way
Causing serious injury by dangerous driving	5 years	Minimum 2 years Compulsory re-test	3-11	Either way
Dangerous driving	2 years	Minimum 1 year Compulsory re-test	3-11	Either way
Careless driving	£5,000	Discretionary	3-9	Summary only

## **Group activity**

1. Split into groups of 3-4 people

2. Read through the case studies

3. Decide which problems they demonstrate





## CTC's briefings

- Common driving offences
- Traffic law and enforcement
- Traffic police and other enforcement agencies
- Prosecutors and the courts
- The legal framework and sentencing policy

https://www.ctc.org.uk/campaigning/views-and-briefings









## QUESTIONS??

